## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JAMES ANTHONY HILL,	)	
Petitioner,	)	
v.	) Case No. 3:13-0	v-00099
ERIC QUALLS, Warden,	) ) Judge Campbe	II
Respondent.	)	
	ORDER	

James Anthony Hill, a state prisoner incarcerated at the Charles Bass Correctional Complex in Nashville, Tennessee, has filed a petition for the writ of habeas corpus under 28 U.S.C. § 2254, challenging his continued incarceration by the Tennessee Department of Correction. (ECF No. 1.) The \$5.00 filing fee has been paid in full.

The plaintiff alleges, in essence, that his six-year concurrent sentence imposed on April 28, 2008 and ordered to be served at 60%, is voidable or has become void and that he should be released from the custody of the Tennessee Department of Correction. Incarcerating a prisoner after the expiration of his maximum sentence may result in a constitutional violation. As it is not apparent from the petition that the petitioner is not entitled to relief, Rule 4, Rules Gov'g § 2254 Cases, the respondent, Warden Eric Qualls, is **DIRECTED** to file an answer, plead or otherwise respond to the petition in accordance with Rule 5, Rules Gov'g § 2254 Cases, within **30 days** of the date of entry of this order. The respondent is directed to address the issues of whether the plaintiff's claims have been fully exhausted and whether the petition is timely.

The Clerk is **DIRECTED** to serve a copy of the petition and this order on the respondent and the Attorney General for the State of Tennessee. Rule 4, Rules Gov'q § 2254 Cases.

It is so **ORDERED**.

Todd Campbell
United States District Judge

<sup>&</sup>lt;sup>1</sup> Because the plaintiff is in custody as the result of a state-court judgment, the warden of the facility where he is incarcerated is the "state officer who has custody" of him and therefore the appropriate respondent in this action. Rule 2(a), Rules Gov'g § 2254 Cases.